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EXAMINER
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PATEL, DHAIRYA A

ART UNIT	PAPER NUMBER
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2151

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,227	<b>Applicant(s)</b> GOODMAN ET AL.	
	<b>Examiner</b> Dhairya A. Patel	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/22/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                    |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                               | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/24/2007</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is responsive to communication filed on 12/22/2006.
2. This amendment has been considered and entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,6,10,11,16,20,21,25,29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per independent claims 1,6,10,11,16,20,21,25,29, it states **"the first client not knowing to whom or the number of clients to which the message is being published, the second client being unknown to the first client and being unaddressed by the first client wherein the username, screenname or other identifier or the second client is not displayed to the first client"** which fails to comply with the enablement requirement.

However it is unclear as to how can the first client send an electronic instant message to the second unidentified client without knowing to whom or the number of client to which the message is being published and wherein the username, screenname or other identifier or the second client is not displayed to the first client because if one

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does not know the username of screenname or the identifier, how can one send a message. There has to be some kind of messaging application in which the first client sends the message to the second client.

As per independent claims 1,6,10,11,16,20,21,25,29 it states "... **first client not knowing at the time of the publication or after, how many clients the first message reached**" which fails to comply with the enablement requirement.

However it is unclear as to how can a first client send a message to clients not know how many clients the first message reached. There has to be some kind of some kind of broadcasting application to broadcast the message to the client in order for the first client to not know how many client did not receive the first message.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,4,10,11,14,20,21,23,31,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman et al. U.S. Patent # 6,539,421 (hereinafter Appelman) in view of Morris et al. U.S. Patent # 6,496,851 (hereinafter Morris).

As per claim 1, Appelman teaches a method for electronic instant message conversation, the method comprising the steps of:

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-receiving at a second unidentified client , a first message to be published from a first client, the first client having a first network address (column 5 lines 32-42), the first client not knowing to whom or the number of clients to which the message is being published, the second client being unknown to the first client and being unaddressed by the first client (column 5 lines 32-42) wherein the username, screen name or other identifier or the second client is not displayed to the first client (Fig. 14)(Fig. 15)(column 9 lines 18-29);

The reference teaches second user receiving a first message from the first user, and receiving the message body and the address of the first client.

-creating at the second client, a second message, the second message comprising the first message and the first network address (column 9 lines 43-67)(Fig. 16-19) said first message in said second message providing context to said second message (column 9 lines 43-67)(Fig. 16-19);

The reference teaches second user responding, and sending a second message "Hi John" comprising the first message which is "hello Mary" and the first address of "mroe1934" (first network address). The reference teaches first message (Fig. 15 element 604) in second message (Fig. 16 element 614) providing context "hello mary" in the second message (Fig. 16 element 614).

-transmitting the second message by way of an instant message application from the second client to the first client (Fig. 16-19) (column 9 lines 30-66);

The figures show that second message "Hi john" is sent by instant message application from the second client to the first client.

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-retrieving additional information related to the second client (Fig. 9)(column 6 lines 1-7)(column 5 lines 46-65); and

The figure 9 shows the entries of the second client "mroe1934" and shows the online status fields (additional information related to the second client).

-presenting the second message and the additional information at the first client (Fig. 16-19)(column 9 lines 43-67)(Fig. 9), said first client not knowing at the time of the publication or after, how many clients the first message reached (Fig. 14)(Fig. 15)(column 9 lines 18-29).

The figures presenting the second message "Hi John" with online status field such as time stamp (additional information) at the client in (Fig. 16-19) "13:20:27 mroe 1934" at the client window. The figure teaches sending the message "mroe1934" but the first does not know if mroe1934 received the message.

Appelman fails to teach unidentified client, and the second client being unknown to the first client and being unaddressed by the first client. Morris teaches second unidentified client, and the second client being unknown to the first client and being undressed by the first client (column 1 lines 65-67)(column 2 lines 1-35)(Fig. 2).

Morris teaches having unidentified second client (Fig. 2 element 204) who have never met before and are unknown to each other (column 2 lines 18-26). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Morris's teaching in Appelman's teaching to come up with having unidentified client and the second client being unknown to the first and client and being unaddressed by the first client. The motivation for doing so would be to send or

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propose a help question to people in the channel and having other people in the channel responds with the answer from the channel.

As per claim 4, Appelman teaches the method according to claim 1 wherein the additional information comprises any one of a first user name, first user title, first user telephone number, first user job responsibility, first user secretary (Fig. 16)(column 25-42); and

The reference teaches first user name which "John" or "mroe1934" (first user name).

As per claim 10, Appelman teaches a method for electronic instant message conversation, the method comprising the steps of:

- creating at a first client (Fig. 15 element 600), a first message (Fig. 15 element "Hello Mary") to be published, the first message comprising any one of additional information or a link to additional information, the additional information comprising any one of a user title, a user telephone number, a user value, a user job responsibility or information about a user's secretary (Fig. 15-16)(column 9 lines 25-42);

The reference teaches creating a message the first client a first message "Hello Mary", the first message comprising the a user value (Fig. 15 element 634 "mroe1934") or a time stamp at what time the message was sent.

- transmitting the first message by way of an instant message application from the first client to a second unidentified client (column 9 lines 25-42) (Fig. 15-16) wherein the username, screenname or other identification of the second client is not displayed to the

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first client, and the first client does not know to whom or the number of clients to which the first message is published (Fig. 14)(Fig. 15)(column 9 lines 18-29),

The reference teaches transmitting the first message by instant message application from first client to the second client.

-retrieving at the second client, the additional information (Fig. 16)(column 25-42); and

The reference teaches at the second client (Fig. 16) receiving (Fig. 16 element "more1934" or "13:20:05" time stamp) (additional information) at the second client.

-presenting the first message and the additional information at the second client (Fig. 16)(column 25-42), said first client not knowing at the time of publication or after, how many clients the first message reached (Fig. 14)(Fig. 15)(column 9 lines 18-29).

The figure 16 teaches presenting the first message "Hello Mary" and the additional information (13:20:05 or mroe1934), which is a time stamp and a user value.

Appelman fails to teach unidentified client, and the second client being unknown to the first client and being unaddressed by the first client. Morris teaches second unidentified client, and the second client being unknown to the first client and being undressed by the first client (column 1 lines 65-67)(column 2 lines 1-35)(Fig. 2).

Morris teaches having unidentified second client (Fig. 2 element 204) who have never met before and are unknown to each other (column 2 lines 18-26). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Morris's teaching in Appelman's teaching to come up with having unidentified client and the second client being unknown to the first and client and being



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unaddressed by the first client. The motivation for doing so would be to send or propose a help question to people in the channel and having other people in the channel responds with the answer from the channel.

As per claim 11 respectively, teaches same limitations as claim 1 respectively, therefore rejected under same basis.

As per claim 14 respectively, teaches same limitations as claim 4 respectively, therefore rejected under same basis.

As per claim 20 respectively, teaches same limitations as claim 10 respectively, therefore rejected under same basis.

As per claim 21, Appelman teaches a system for electronic instant message conversation, the system comprising:

- a network (Fig. 1 element 127);
- a first client in communication with the network (Fig 9);
- a second client in communication with the network (Fig. 9), wherein the clients include instructions to execute a method comprising:

- receiving at a second client , a first message to be published from a first client, the first client having a first network address (column 5 lines 32-42) the first client not knowing to whom or the number of clients to which the first message is being published, wherein the username, screenname or other identifier of the second client is not displayed to the first client (Fig. 14)(Fig. 15)(column 9 lines 18-29),

The reference teaches second user receiving a first message from the first user, and receiving the message body and the address of the first client.

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-creating at the second client, a second message, the second message comprising the first message and the first network address (column 9 lines 43-67)(Fig. 16-19), said first message in said second message providing context to said second message (column 9 lines 43-67)(Fig. 16-19);

The reference teaches second user responding, and sending a second message "Hi John" comprising the first message which is "hello Mary" and the first address of "mroe1934" (first network address)

-transmitting the second message by way of an instant message application from the second client to the first client (Fig. 16-19) (column 9 lines 30-66);

The figures show that second message "Hi john" is sent by instant message application from the second client to the first client.

-retrieving additional information related to the second client (Fig. 9)(column 6 lines 1-7)(column 5 lines 46-65); and

The figure 9 shows the entries of the second client "mroe1934" and shows the online status fields (additional information related to the second client).

-presenting the second message and the additional information at the first client (Fig. 16-19)(column 9 lines 43-67)(Fig. 9), said first client not knowing at the time of publication or after, how many clients the first message reached (Fig. 14)(Fig. 15)(column 9 lines 18-29).

The figures presenting the second message "Hi John" with online status field such as time stamp (additional information) at the client in (Fig. 16-19) "13:20:27 mroe 1934" at the client window.

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Appelman fails to teach unidentified client, and the second client being unknown to the first client and being unaddressed by the first client. Morris teaches second unidentified client, and the second client being unknown to the first client and being undressed by the first client (column 1 lines 65-67)(column 2 lines 1-35)(Fig. 2).

Morris teaches having unidentified second client (Fig. 2 element 204) who have never met before and are unknown to each other (column 2 lines 18-26). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Morris's teaching in Appelman's teaching to come up with having unidentified client and the second client being unknown to the first and client and being unaddressed by the first client. The motivation for doing so would be to send or propose a help question to people in the channel and having other people in the channel responds with the answer from the channel.

As per claim 23 respectively, teaches same limitations as claim 4 respectively, therefore rejected under same basis.

As per claim 31, Appelman teaches the method according to claim 4, wherein the additional information further consists of any one of a first user address, a first user value, a text file, a video file, an audio file or a network link (such as a URL). (Fig. 15-16)(column 9 lines 25-42);

The reference teaches the additional information a user value or a first user address (Fig. 15 element 634 "mroe1934") or a time stamp at what time the message was sent.

As per claim 33, Appelman teaches the method according to claim 10, wherein the additional information further consists of any one of a first user address, a first user value, a text file, a video file, an audio file or a network link such as a URL, a telephone message or command information for actuating a mechanical a device. (Fig. 15-16)(column 9 lines 25-42);

The reference teaches the additional information a user value or a first user address (Fig. 15 element 634 "mroe1934") or a time stamp at what time the message was sent.

4. Claims 2-3,5-9,12-13,15-19,22,24-30,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman et al. U.S. Patent # 6,539,421 (hereinafter Appelman) in view of Kapil et al. U.S. Patent # 6,941,345 (hereinafter Kapil) in view of Morris et al. U.S. Patent # 6,496,851 (hereinafter Morris).

As per claim 2, Appelman and Morris teaches the method according to claim 1 but is silent on teaching wherein the first message is received at the second client from the first client by way of a Publish/Subscribe server. Kapil teaches the first message is received at the second client from the first client by way of a Publish/Subscribe server (column 4 lines 16-28).

. The reference teaches receiving a request message from the user A (receiving first message from the first user) and the request message is sent to the service provider in the community (pub/sub channel of a pub/sub service), the community comprising plurality of users (Fig. 5) belonging to the community, and the community comprising user B (second users) and presenting the message at user B's terminal

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(second client)(column 4 lines 16-49). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Kapil's teaching in Appelman and Morris's teaching to come up with receiving message from the first client at the second client by the way of publish/subscribe server. The motivation for doing so would have been so that the second user has an option to accept a message or to check if the second user is online or the second user exists because the message is sent to the service provider in the second community (Publish/subscribe server) which checks if the second user exists and if he does exists passes the message to him.

As per claim 3, Appelman and Morris teaches the method according to claim 1, but is silent on teaching further step of subscribing by any one of the first client or the second client, to a channel of a publish/subscribe server. Kapil teaches subscribing by any one of the first client or the second client, to a channel of a publish/subscribe server (column 4 lines 16-49) (Fig. 1 element "community A" or "community B"). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Kapil's teaching in Appelman and Morris's teaching to come up with having first client or second client subscribe to a channel of publish/subscribe server. The motivation for doing so would have been so that first user or second user can communicate to other user belonging to the same community (publish/subscribe server) or even other community.

Appelman and Kapil fails to teach subscribing being authenticated and authorized by said publish/subscribe server unknown to other of said second or first

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clients. Morris teaches subscribing being authorized and authenticated by the publish/subscribe channel unknown to other of said second for first clients (Column 1 lines 31-67)(column 2 lines 1-35, lines 46-65). It would have been obvious to one ordinary skill in the art at the time of applicant's invention was made to implement Morris's teaching in Appelman and Kapil's teaching to come up with subscribing being authenticated and authorized by server unknown to other first or second clients. The motivation for doing so would so that none of the unauthorized user can subscribe to the channel because if one of the user proposes/sends a help question to the particular channel related to a particular area, the user who is not authorized to be in the channel will be prevented from responding or seeing to the help question.

As per claim 5, Appelman and Morris teaches the method according to claim 1 but fails to teach wherein any one of the first message or the second message is translated to any one of a telephone message, a video display, an audio message or a mechanical actuator. Kapil teaches any one of the first message or the second message is translated to any one of a telephone message, a video display, an audio message or a mechanical actuator (Column 5 lines 52-64)(column 6 lines 12-20). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Kapil's teaching in Appelman and Morris's teaches to come up with having first message or second message translated into any one of telephone message, a video display an audio message. The motivation for doing so would have been so that if the user does not have access to a computer to receive the

first message or second message, he/she can still receive by a telephone message or audio message.

As per claim 6, Appelman teaches a method for identifying a message initiator in a system for instant message using a pub/sub server, the method comprising the steps of:

- obtaining at a first client, first user identifying information (column 5 lines 46-65)(column 6 lines 1-6)(Fig. 9);

The figure teaches obtaining at the first client, the buddy list and the information about the first user identifying information "mroe1934" and his online status field.

- incorporating the first user identifying information in a message to be published (Fig. 16-19)(column 9 lines 43-67)(Fig. 9).

The figures presenting "mroe1934" and his online status field such as time stamp (first user identifying information) in the message at the first client in (Fig. 16-19) "13:20:05 mroe1934" to be published.

Appelman teaches the usernames, screennames or other identification of the subscribers not being displayed to the first client and the first user not knowing the subscribers or the number of subscribers to which the message is published (Fig. 14)(Fig. 15)(column 9 lines 18-29) and also first user not knowing at the time of publication or after, how many subscribers the message reached (Fig. 14)(Fig. 15)(column 9 lines 18-29), but fails to teach transmitting the message to a pub/sub server; publishing the message to subscribers of the pub/sub server; and providing the message comprising the first user information to a subscriber. Kapil teaches

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transmitting the message to a pub/sub server (column 4 lines 16-28), publishing the message to subscribers of the pub/sub server (column 9 lines 20-35), providing the message comprising the first user information to a subscriber (column 12 lines 35-51)(column 10 lines 19-36, lines 39-48). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Kapil's teaching in Appelman's teaching to come up with having transmitting, publishing the message to a pub/sub server and providing the message comprising user information to a subscriber. The motivation for doing so would have been so that the second user has an option to accept a message or to check if the second user is online or the second user exists because the message is sent to the service provider in the second community (Publish/subscribe server) which broadcasts the message and checks if the second user exists and if he does exists passes the message to him.

Appelman and Kapil fails to teach subscribing being authenticated and authorized by said publish/subscribe server unknown to other of said second or first clients. Morris teaches subscribing being authorized and authenticated by the publish/subscribe channel unknown to other of said second for first clients and subscriber unknown to the first client (Column 1 lines 31-67)(column 2 lines 1-35, lines 46-65). It would have been obvious to one ordinary skill in the art at the time of applicant's invention was made to implement Morris's teaching in Appelman and Kapil's teaching to come up with subscribing being authenticated and authorized by server unknown to other first or second clients. The motivation for doing so would so that none of the unauthorized user can subscribe to the channel because if one of the user



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proposes/sends a help question to the particular channel related to a particular area, the user who is not authorized to be in the channel will be prevented from responding or seeing to the help question.

As per claim 7, Appelman and Kapil and Morris teaches the method according to claim 6 but Appelman further teaches wherein the providing step comprises the further steps of: acquiring second user information based on the first user identifying information in the message (Fig. 9)(column 6 lines 1-7)(column 5 lines 46-65); and

The figure 9 shows the entries of the second client "mroe1934" and shows the online status fields (additional information related to the second client).

-providing the second user information to the subscriber (Fig. 16-19)(column 9 lines 43-67)(Fig. 9).

As per claim 8, Appelman and Kapil and Morris teaches the method according to claim 6 but Kapil further teaches wherein the obtaining step comprises the further step of: transforming user information from any one of instant message, text, audio, video or voice into the digital message (column 5 lines 52-65).

As per claim 9, Appelman and Kapil and Morris teaches the method according to claim 6 but Appelman further teaches wherein the presenting step comprises the further step of: transforming the message to any one of instant message, text, audio or video (Fig. 16-19)

The reference teaches the transforming the message into instant message.

As per claims 12-13,15 respectively, teaches same limitations as claims 2-3,5 respectively, therefore rejected under same basis.

As per claims 16-19 respectively, teaches same limitations as claims 6-9 respectively, therefore rejected under same basis.

As per claims 22,24 respectively, teaches same limitations as claims 2,5 respectively, therefore rejected under same basis.

As per claim 25, Appelman teaches a system for identifying a message initiator in a system for instant message using a pub/sub server, the system comprising:

- a network(Fig. 1 element 127);

- a first client in communication with the network, wherein the clients include instructions to execute a method comprising (Fig. 9):

- obtaining at a first client, first user identifying information (column 5 lines 46-65)(column 6 lines 1-6)(Fig. 9);

The figure teaches obtaining at the first client, the buddy list and the information about the first user identifying information "mroe1934" and his online status field.

- incorporating the first user identifying information in a message to be published (Fig. 16-19)(column 9 lines 43-67)(Fig. 9).

The figures presenting "mroe1934" and his online status field such as time stamp (first user identifying information) in the message at the first client in (Fig. 16-19) "13:20:05 mroe1934" to be published.

Appelman first client not knowing to whom or the number of subscribers to which the message is being published and wherein the user names, screennames or other identifier of the subscribers is not displayed to the first user and first client not knowing at the time of the publication or after, how many subscribers the message reached (Fig.

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14)(Fig. 15)(column 9 lines 18-29).but Appelman fails to teach a pub/sub server; transmitting the message to a pub/sub server; publishing the message to subscribers of the pub/sub server; and providing the message comprising the first user information to a subscriber. Kapil teaches a pub/sub server (column 4 lines 16-28); transmitting the message to a pub/sub server (column 4 lines 16-28), publishing the message to subscribers of the pub/sub server (column 9 lines 20-35), providing the message comprising the first user information to a subscriber (column 12 lines 35-51)(column 10 lines 19-36, lines 39-48). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Kapil's teaching in Appelman's teaching to come up with having transmitting, publishing the message to a pub/sub server and providing the message comprising user information to a subscriber. The motivation for doing so would have been so that the second user has an option to accept a message or to check if the second user is online or the second user exists because the message is sent to the service provider in the second community (Publish/subscribe server) which broadcasts the message and checks if the second user exists and if he does exists passes the message to him.

Appelman and Kapil fails to teach subscribing being authenticated and authorized by said publish/subscribe server unknown to other of said second or first clients. Morris teaches subscribing being authorized and authenticated by the publish/subscribe channel unknown to other of said second for first clients and subscriber is unknown to the first client (Column 1 lines 31-67)(column 2 lines 1-35, lines 46-65). It would have been obvious to one ordinary skill in the art at the time of

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applicant's invention was made to implement Morris's teaching in Appelman and Kapil's teaching to come up with subscribing being authenticated and authorized by server unknown to other first or second clients. The motivation for doing so would so that none of the unauthorized user can subscribe to the channel because if one of the user proposes/sends a help question to the particular channel related to a particular area, the user who is not authorized to be in the channel will be prevented from responding or seeing to the help question.

As per claims 26-28 respectively, teaches same limitations as claims 7-9 respectively, therefore rejected under same basis.

As per claim 29, Appelman teaches a system for electronic instant message conversation, the system comprising:

- a network (Fig. 1 element 160);

- a first client in communication with the network, wherein the clients include instructions to execute a method comprising:

- creating at a first client (Fig. 15 element 600), a first message (Fig. 15 element "Hello Mary"), the first message comprising any one of additional information or a link to additional information, the additional information comprising any one of a user title, a user telephone number, a user value, a user job responsibility or information about a user's secretary (Fig. 15-16)(column 9 lines 25-42);

The reference teaches creating a message the first client a first message "Hello Mary", the first message comprising the a user value (Fig. 15 element 634 "mroe1934") or a time stamp at what time the message was sent.

-transmitting the first message by way of an instant message application from the first client to a second client (column 9 lines 25-42) (Fig. 15-16) said first client not knowing to whom or the number of subscribers to which the message is being published wherein the user names, screennames or other identifier of the subscribers is not displayed to the first client (Fig. 14)(Fig. 15)(column 9 lines 18-29);

The reference teaches transmitting the first message by instant message application from first client to the second client.

-retrieving at the second client, the additional information (Fig. 16)(column 25-42); and

The reference teaches at the second client (Fig. 16) receiving (Fig. 16 element "more1934" or "13:20:05" time stamp) (additional information) at the second client.

-presenting the first message and the additional information at the second client (Fig. 16)(column 25-42) said first client not knowing at the time of the publication or after, how many subscribers the message reached (Fig. 14)(Fig. 15)(column 9 lines 18-29)..

The figure 16 teaches presenting the first message "Hello Mary" and the additional information (13:20:05 or mroe1934), which is a time stamp and a user value.

Appelman fails to teach a pub/sub server. Kapil teaches a pub/sub server (column 4 lines 16-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Kapil's teaching in Appelman's teaching to come up with a system having a pub/sub server. The motivation for doing so would have been so that the service provider in the community (pub/sub server) can

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check if the user exists and if so the message can be sent to the user or to check if the receiving user wants to accept the message.

Appelman and Kapil fails to teach unidentified second client and said second client being unknown to said first client and being authenticated and authorized by said publish/subscribe server. Morris teaches unidentified second client and said second client being unknown to said first client and being authenticated and authorized by said publish/subscribe server (Column 1 lines 31-67)(column 2 lines 1-35, lines 46-65). It would have been obvious to one ordinary skill in the art at the time of applicant's invention was made to implement Morris's teaching in Appelman and Kapil's teaching to come up with having unidentified second client being unknown to the first client and being authenticated and authorized by server. The motivation for doing so would so that none of the unauthorized user can subscribe to the channel because if one of the user proposes/sends a help question to the particular channel related to a particular area, the user who is not authorized to be in the channel will be prevented from responding or seeing to the help question.

As per claim 30, Appelman and Morris teaches the method according to claim 1, but fails to teach comprising the further steps of: associating the second client with a channel of a publish/subscribe server; the first client sending the first message to the channel of the publish/subscribe server; determining network addresses of a plurality of subscribers associated with the channel, the plurality of subscribers associated with the channel comprising the second client; and the publish/subscribe server publishing the first message to the determined plurality of subscribers.

Kapil teaches associating the second client with a channel of a publish/subscribe server (column 12 lines 9-32);

-the first client sending the first message to the channel of the publish/subscribe server (column 4 lines 16-49);

-determining network addresses of a plurality of subscribers associated with the channel, the plurality of subscribers associated with the channel comprising the second client (column 12 lines 33-51); and

-the publish/subscribe server publishing the first message to the determined plurality of subscribers (column 4 lines 16-49)(column 12 lines 9-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Kapil's teaching in Appelman's teaching to come up with associating second client with the pub/sub server and first client send the message, and pub/sub server publishing the message to the subscribers. The motivation for doing so would have been so that first user can check through the service provider in the community (pub/sub server) that the a user exists and send a message, and if the user can have a conversation with the first user.

Appelman and Kapil fails to teach second client being authenticated and authorized by said publish/subscribe server. Morris teaches second client being authorized and authenticated by the publish/subscribe channel (Column 1 lines 31-67)(column 2 lines 1-35, lines 46-65). The reference teaches second client (Fig. 2 element 204, 212) can be put in a private room in which certain people are authorized to enter the private room by the server. It would have been obvious to one ordinary skill in

the art at the time of applicant's invention was made to implement Morris's teaching in Appelman and Kapil's teaching to come up with second client being authenticated and authorized by server. The motivation for doing so would so that none of the unauthorized user can subscribe to the channel because if one of the user proposes/sends a help question to the particular channel related to a particular area, the user who is not authorized to be in the channel will be prevented from responding or seeing to the help question.

As per claim 32, Appelman and Kapil and Morris teaches the method according to claim 6, but Kapil further teaches wherein the transmitting step comprises the further steps of:

- the first client associating the first message to be transmitted with a channel of the pub/sub server (column 12 lines 9-32);

- the pub/sub server determining network addresses of a plurality of subscribers associated with the channel, the plurality of subscribers associated with the channel comprising the second client (column 12 lines 33-51); and

- the pub/sub server receiving the first message from the first client (column 4 lines 16-49);

wherein the publishing step comprises the further step of publishing the first message to the plurality of subscribers associated with the channel of the pub/sub server (column 4 lines 16-49)(column 12 lines 9-51).

### ***Response to arguments***

5. Applicant's arguments filed 12/22/2006 have been fully considered but they are not



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persuasive.

As per remark, applicant states, independent claims has been amended to clear that the second client's username, screenname or other identifier is not displayed to the first user, and that the user requesting that a message be broadcast to the group does know to whom or how many subscribers or clients to which the message is published, and at the time of broadcast and after, the user does not know how many subscribers or clients the message reached.

First, Examiner would like to state that amended claims fails to comply with the enablement requirement, However it is unclear as to how can the first client send an electronic instant message to the second unidentified client without knowing to whom or the number of client to which the message is being published and wherein the username, screenname or other identifier or the second client is not displayed to the first client because if one does not know the username of screenname or the identifier, how can one send a message. There has to be some kind of messaging application in which the first client sends the message to the second client.

Amended independent claims also states that **"... first client not knowing at the time of the publication or after, how many clients the first message reached"** which fails to comply with the enablement requirement. However it is unclear as to how can a first client send a message to clients not know how many clients the first message reached. There has to be some kind of some kind of broadcasting application to broadcast the message to the client in order for the first client to not know how many client did not receive the first message.

Meanwhile, Appelman teaches the wherein the username, screen name or other identifier or the second client is not displayed to the first client (Fig. 14)(Fig. 15)(column 9 lines 18-29) and said first client not knowing at the time of the publication or after, how many clients the first message reached (Fig. 14)(Fig. 15)(column 9 lines 18-29), Appelman further teaches the figures presenting the second message "Hi John" with online status field such as time stamp (additional information) at the client in (Fig. 16-19) "13:20:27 mroe 1934" at the client window. The figure teaches sending the message "mroe1934" but the first does not know if mroe1934 received the message.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Voice Instant messaging" by Wu et al. U.S. Patent Publication # 2002/0023131 A1.

B) "Video Messaging" by Enete et al. U.S. Patent Publication # 2003/0208543 A1.

7. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

8.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP

  
ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER